

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

MARK EDGINGTON, Pro Se,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-cv-00537-LM
)	
SCOTT BAILEY (in his official capacity as))	
Special Agent of the FBI),)	
)	
Defendant.)	
_____)	

DEFENDANT’S MOTION TO DISMISS
PURSUANT TO RULE 12(b)(6)

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Scott Bailey, in his official capacity as a Special Agent of the Federal Bureau of Investigation (“FBI”), moves this Court to dismiss Plaintiff’s amended complaint. Because it does not satisfy the Supreme Court’s requirement that a plaintiff allege sufficient facts to state a plausible claim, Plaintiff’s complaint fails to state a claim upon which relief may be granted and therefore must be dismissed. *See Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).

In support of its Motion, Defendant refers the Court to the attached memorandum of law and the record of this litigation.

Therefore, this Court should dismiss Plaintiff’s amended complaint for failure to state a claim upon which relief may be granted.

JOHN J. FARLEY
United States Attorney

By: /s/ Michael McCormack
Michael McCormack
Assistant U.S. Attorney, NH Bar No. 16470
United States Attorney's Office
53 Pleasant Street
Concord, NH 03301
(603) 225-1552
michael.mccormack2@usdoj.gov

Dated: February 3, 2022

CERTIFICATE OF SERVICE

I certify that on this 3rd day of February, 2022, a copy of the foregoing Motion was served via first class, postage prepaid mail to pro se plaintiff Mark Edgington, 73 Leverett Street, Keene, NH 03431.

/s/ Michael T. McCormack

Michael T. McCormack, AUSA